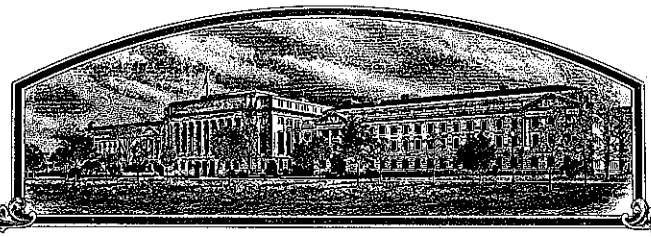
No. 9900265



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

NDSU Research Foundation

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, R CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE , OR USING IT IN DUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY ECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF TH . (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, DURUM

'Maier'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office *to be affixed at the City of Washington, D.C. this thirty-first day of January, in the year of our Lord two thousand.*

PLANT VARIETY PROTECTION OFFICE · U.S. DEPARTMENT OF AGRICULTURE

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. Include form number and date on all reproductions

Form Approved - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1 NAME OF OWNER
NDSU Research Foundation

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME
D89135

3. VARIETY NAME
Maier

4 ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)
c/o Executive Director
P.O. Box 5014
Fargo, ND 58105-5014

5. TELEPHONE (include area code)
701-231-8931

6. FAX (include area code)
701-231-1013

FOR OFFICIAL USE ONLY

PVPO NUMBER
9900265

FILING DATE
4-23-99

7 IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)
NDSU Research Foundation

8. IF INCORPORATED, GIVE STATE OF INCORPORATION
North Dakota

9. DATE OF INCORPORATION
May 1989

10 NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)

Elias Elias
Department of Plant Sciences
North Dakota State University
PO Box 5051
Fargo ND 58105-5051

Dale Zethocha
Executive Director
NDSU Research Foundation
PO Box 5014
Fargo ND 58105-5014

FEES RECEIVED

FILING AND EXAMINATION FEES:
$ 2450 00
DATE 4-23-99

CERTIFICATION FEE:
$ 300
DATE 8/16/99

11 TELEPHONE (Include area code)
701-231-8159

12. FAX (Include area code)
701-231-8474

13. E_MAIL
elias@prairie.nodak.edu

14. CROP KIND (Common Name)
Wheat, durum AAA
~~Durum Wheat~~ 26Apr1999

15 GENUS AND SPECIES NAME OF CROP
Triticum turgidum L. var. durum

16. FAMILY NAME (Botanical)
Gramineae

17. IS THE VARIETY A FIRST GENERATION HYBRID?
☐ YES ☒ NO

18 CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

a. ☒ Exhibit A. Origin and Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of Variety
d. ☐ Exhibit D. Additional Description of the Variety (Optional)
e. ☒ Exhibit E. Statement of the Basis of the Owner's Ownership
f. ☒ Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)
g. ☒ Filing and Examination Fee ($2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)

19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act)
☒ YES (If "yes", answer items 20 and 21 below) ☐ NO (If "no," go to item 22)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☒ NO

21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?
☒ YES Nov 5, 1998 ☐ NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)

23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?
☐ YES ☒ NO
IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)

24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER	SIGNATURE OF OWNER
Dale Zethocha	
NAME (Please print or type)	NAME (Please print or type)
Dale Zethocha	
CAPACITY OR TITLE: Executive Director	CAPACITY OR TITLE
DATE: 4/21/99	DATE

TC&T-470 (6-98) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (03-96) which is obsolete. (See reverse for instructions and information collection burden statement)

EXHIBIT A - ORIGIN AND BREEDING HISTORY

'MAIER'

Fall 1985	Original cross was made at North Dakota State University (NDSU) greenhouse. Pedigree - D8193/D8335 D8193 - D68111/Rugby//Crosby/3/Vic D8335 - Wascana/Rolette//Vic D68111 - D65150/Leeds D65150 - Pi/Tomclair//2*Tehuacan/3/ Zenati Bouteille/Wells
Spring 1986	F_1 plants, NDSU greenhouse.
Summer 1986	F_2 plants, NDSU research land.
Summer 1987	F_3 head rows, NDSU research land.
Summer 1988	F_4 head rows, NDSU research land.
Summer 1989	F_5 head rows, NDSU research land.
Summer 1990	F_6 preliminary yield trail, two locations, NDSU research land. Experimental line designation - D89135.
Summer 1991	F_7 Advanced yield trial, two locations, NDSU research land.
Summer 1992	F_8 Elite yield trial, three locations, NDSU research land.
Summer 1993	F_9 Uniform Regional Durum Nursery, 15 locations, North Dakota, South Dakota, Minnesota, Montana, and Canada.
Summer 1994	F_{10} Uniform Regional Durum Nursery, 13 locations, North Dakota, South Dakota, Minnesota, Montana, and Canada.
Summer 1995	F_{11} Uniform Regional Durum Nursery, 13 locations, North Dakota, South Dakota, Minnesota, Montana, and Canada.

Summer 1996	Uniform Regional Durum Nursery, 13 locations, North Dakota, South Dakota, Minnesota, Montana, and Canada.
Summer 1996	Seed increase by Seedstocks Project.
Summer 1997	Uniform Regional Durum Nursery, 13 locations, North Dakota, South Dakota, Minnesota, Montana, and Canada.
Summer 1997	Second seed increase by Seedstocks Project.
Summer 1998	Uniform Regional Durum Nursery, 13 locations, North Dakota, South Dakota, Minnesota, Montana, and Canada.
Summer 1998	Third seed increase by Seedstocks Project.
November 5, 1998	D89135 was released as a named cultivar, Maier.

Maier was observed for ten generations from 1989 to 1998 and was shown to be stable and uniform. Maier has been rogued at the F_5 and subsequent generations. The frequency of rogued plants in each generation was less than 1/1000 plants. No variants were found in the variety Maier.

The pedigree breeding method was used to develop Maier. In early generations F_2 - F_4 high heritable traits such as plant height, maturity, and disease resistance were selected. Starting at F_5 generation, selection criteria also included grain yield, test weight, kernel weight, and pasta quality traits (i.e., protein content, gluten strength, milling extraction, spaghetti color, cooking quality, etc.). Based on data from multiple locations and years Maier was selected for its high yield and protein content, large kernel size, and gluten strength.

EXHIBIT B - NOVELTY STATEMENT

To my knowledge, Maier most nearly resembles Ben durum wheat. Ben and Maier durum wheat can be unambiguously differentiated by molecular markers. Restriction fragment length polymorphism (RFLP) analysis using clones ABG473 and WG583 detected polymorphisms between Ben and Maier.

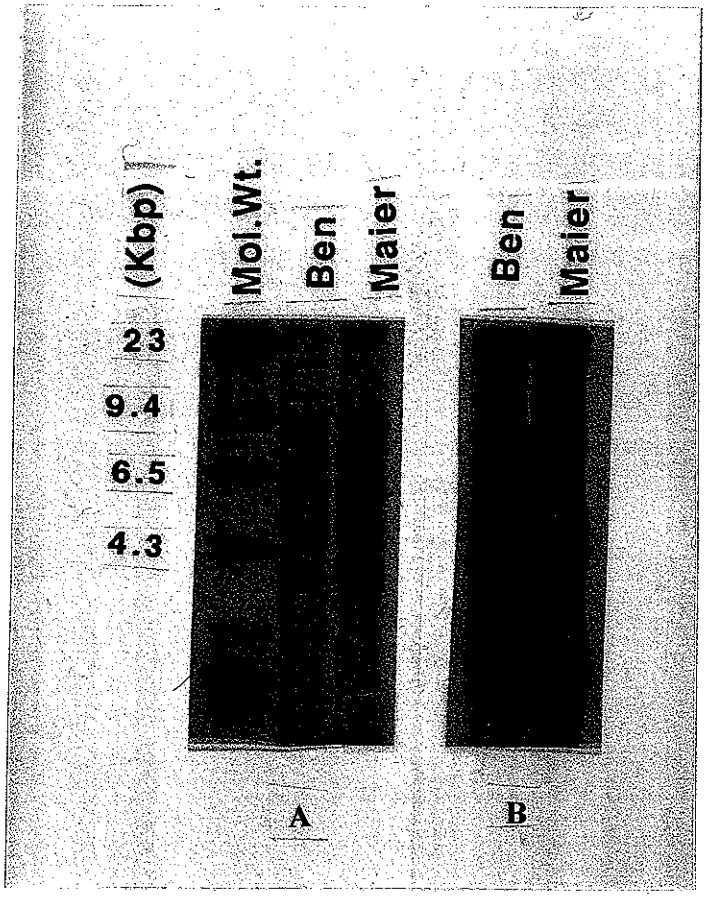


Figure 1. RFLP analysis of genomic DNA showing restriction fragment size polymorphism between Ben and Maier. Panel A Autoradiogram of Ben and Maier *Hind* III-digested DNA hybridized with clone ABG473. Polymorphism is shown by the presence of a 8.2 kilobasepairs DNA fragment present in Ben and a 4.2 kilobasepairs DNA fragment in Maier. Panel B Autoradiogram of Ben and Maier *Hind* III-digested DNA hybridized with clone WG583. Polymorphism is shown by the presence of a 7.6 kilobasepairs DNA fragment present in Maier but absent in Ben.

Materials and Methods

Genomic DNA extraction, restriction endonuclease digestion, and Southern blotting were described in Riede and Anderson (1996). RFLP clones were obtained from Mark Sorrells at Cornell University (WG Clone) and A. Kleinhofs at Washington State University (ABG clone). Both clones were known to hybrized to low-copy DNA sequences. The procedure was repeated twice to confirm results.

Riede, C.R., and J.A. Anderson. 1996. Linkage of RFLP markers to an aluminium tolerance gene in wheat. Crop Sci. 36:905-909.

FORM APPROVED: OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
COMMODITIES SCIENTIFIC SUPPORT DIVISION
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Wheat)

9900265

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*TRITICUM SPP.*)

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
NDUS Research Foundation

ADDRESS (*Street and No. or R.F.D. No., City, State, and ZIP Code*)
Box 5014
Fargo, ND 58105-5014

FOR OFFICIAL USE ONLY

PVPO NUMBER

VARIETY NAME OR TEMPORARY DESIGNATION
Maier

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. [0][8][9] or [0][9]) when number is either 99 or less or 9 or less.

1. KIND:
[2] 1 = COMMON 2 = DURUM 3 = EMMER 4 = SPELT 5 = POLISH 6 = POULARD 7 = CLUB

2. TYPE:
[1] 1 = SPRING 2 = WINTER 3 = OTHER (*Specify*) _____ [ ] 1 = SOFT 2 = HARD 3 = OTHER (*Specify*) AMBER

[3] 1 = WHITE 2 = RED 3 = OTHER (*Specify*) AMBER

3. SEASON - NUMBER OF DAYS FROM EMERGENCE TO:
[5][8] FIRST FLOWERING [6][2] LAST FLOWERING

4. MATURITY (*50% Flowering*):
[0][1] NO. OF DAYS *EARLIER* THAN ..... [6] 1 = ARTHUR 2 = SCOUT 3 = CHRIS
[ ][ ] NO. OF DAYS *LATER* THAN ..... [ ] 4 = LEMHI 5 = NUGAINES 6 = LEEDS

5. PLANT HEIGHT (*From soil level to top of head*):
[8][5] CM. HIGH
[ ][ ] CM. TALLER THAN ..... [ ]
[0][6] CM. SHORTER THAN ..... [6] 1 = ARTHUR 2 = SCOUT 3 = CHRIS 4 = LEMHI 5 = NUGAINES 6 = LEEDS

6. PLANT COLOR AT BOOTING (*See reverse*):
[2] 1 = YELLOW GREEN 2 = GREEN 3 = BLUE GREEN

7. ANTHER COLOR:
[1] 1 = YELLOW 2 = PURPLE

8. STEM:
[1] Anthocyanin: 1 = ABSENT 2 = PRESENT
[1] Hairiness of last internode of rachis: 1 = ABSENT 2 = PRESENT
[0][4] NO. OF NODES (*Originating from node above ground*)
[1] Waxy bloom: 1 = ABSENT 2 = PRESENT
[1] Internodes: 1 = HOLLOW 2 = SOLID
[2][0] CM. INTERNODE LENGTH BETWEEN FLAG LEAF AND LEAF BELOW

9. AURICLES:
[1] Anthocyanin: 1 = ABSENT 2 = PRESENT
[1] Hairiness: 1 = ABSENT 2 = PRESENT

10. LEAF:
[2] Flag leaf at booting stage: 1 = ERECT 2 = RECURVED 3 = OTHER (*Specify*): _____
[1] Flag leaf: 1 = NOT TWISTED 2 = TWISTED
[1] Hairs of first leaf sheath: 1 = ABSENT 2 = PRESENT
[1] Waxy bloom of flag leaf sheath: 1 = ABSENT 2 = PRESENT
[1][1] MM. LEAF WIDTH (*First leaf below flag leaf*)
[2][2] CM. LEAF LENGTH (*First leaf below flag leaf*):

FORM LMGS 470-6 (6-82) (Formerly Form LPGS 470-6 (3-79), which may be used)

5

11. HEAD:

[1] Density: 1 = LAX 2 = DENSE

[4] Shape: 1 = TAPERING 2 = STRAP 3 = CLAVATE 4 = OTHER (Specify) Oblong

[4] Awnedness: 1 = AWNLESS 2 = APICALLY AWNLETED 3 = AWNLETED 4 = AWNED

[2] Color at maturity: 1 = WHITE 2 = YELLOW 3 = PINK 4 = RED 5 = BROWN 6 = BLACK 7 = OTHER (Specify): _____

[0][7] CM. LENGTH [1][1] MM. WIDTH

12. GLUMES AT MATURITY:

[3] Length: 1 = SHORT (CA. 7 mm.) 2 = MEDIUM (CA. 8 mm.) 3 = LONG (CA. 9 mm.)

[3] Width: 1 = NARROW (CA. 3 mm.) 2 = MEDIUM (CA. 3.5 mm.) 3 = WIDE (CA. 4 mm.)

[6] Shoulder shape: 1 = WANTING 2 = OBLIQUE 3 = ROUNDED 4 = SQUARE 5 = ELEVATED 6 = APICULATE

[3] Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE

13. COLEOPTILE COLOR:

[1] 1 = WHITE 2 = RED 3 = PURPLE

14. SEEDLING ANTHOCYANIN:

[1] 1 = ABSENT 2 = PRESENT

15. JUVENILE PLANT GROWTH HABIT:

[3] 1 = PROSTRATE 2 = SEMI-ERECT 3 = ERECT

16. SEED:

[3] Shape: 1 = OVATE 2 = OVAL 3 = ELLIPTICAL

[2] Cheek: 1 = ROUNDED 2 = ANGULAR

[1] Brush: 1 = SHORT 2 = MEDIUM 3 = LONG

[1] Brush: 1 = NOT COLLARED 2 = COLLARED

[1] Phenol reaction (See instructions): 1 = IVORY 2 = FAWN 3 = LT. BROWN 4 = BROWN 5 = BLACK

[2] Color: 1 = WHITE 2 = AMBER 3 = RED 4 = PURPLE 5 = OTHER (Specify) _____

[0][7] MM. LENGTH [0][3] MM. WIDTH [3][8] GM. PER 1000 SEEDS

17. SEED CREASE:

[2] Width: 1 = 60% OR LESS OF KERNEL 'WINOKA' 2 = 80% OR LESS OF KERNEL 'CHRIS' 3 = NEARLY AS WIDE AS KERNEL 'LEMHI'

[2] Depth: 1 = 20% OR LESS OF KERNEL 'SCOUT' 2 = 35% OR LESS OF KERNEL 'CHRIS' 3 = 50% OR LESS OF KERNEL 'LEMHI'

18. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

[2] STEM RUST (Races) _____ [2] LEAF RUST (Races) _____ [0] STRIPE RUST (Races) _____ [0] LOOSE SMUT

[0] POWDERY MILDEW [0] BUNT [ ] OTHER (Specify) _____

19. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

[0] SAWFLY [0] APHID (Bydv.) [0] GREEN BUG [0] CEREAL LEAF BEETLE

[ ] OTHER (Specify) _____ HESSIAN FLY RACES: [0] GP [0] A [0] B [0] C [0] D [0] E [0] F [0] G

20. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering		Seed size	
Leaf size		Seed shape	
Leaf color		Coleoptile elongation	
Leaf carriage		Seedling pigmentation	

INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for the standardization of terms and procedures for completing this form:

(a) L.W. Briggle and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States. Technical Bulletin 1278, United States Department of Agriculture.

(b) W.E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts. (See attachment.)

Summary of quality evaluations for Maier grown at 23 location/years in field plots (1993 through 1996).

Genotype	Protein				Extraction		Kernel Size	
	Wht.	Sem.	Mx	Sd	Tot.	Sem.	% L	% S
Maier	14.9	14.1	6.6	50	69.6	60.4	46	2
Belzer	14.3	13.6	6.8	56	68.0	59.2	51	2
Ben	14.5	13.6	6.2	44	69.0	60.2	57	2
Munich	14.3	13.6	5.0	38	69.2	60.1	43	3
Renville	14.4	13.5	5.7	40	69.5	60.6	35	5
Monroe	14.2	13.3	5.8	40	69.3	60.2	56	2
Vic	14.5	13.7	5.6	40	68.9	59.8	51	2
Medora	14.6	13.8	6.0	45	68.6	59.7	43	3
Rugby	14.3	13.4	2.8	24	69.1	60.5	44	3
Lloyd	14.1	13.1	5.7	44	68.2	59.2	37	6

9900265

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

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1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME
NDSU Research Foundation	D89135	Maier

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP, and Country)*	5. TELEPHONE *(include area code)*	6. FAX *(include area code)*
c/o Executive ~~Foundation~~ Director P.O. Box 5014 Fargo ND 58105-5014	701-231-8931	701-231-1013
	7. PVPO NUMBER	

8. Does the applicant own all rights to the variety? *Mark an "X" in appropriate block.* If no, please explain. [X] YES [ ] NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? [X] YES [ ] NO
If no, give name of country

10. Is the applicant the original owner? [ ] YES [X] NO *If no, please answer one of the following:*

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

[X] YES [ ] NO **If no, give name of country**

b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?

[X] YES [ ] NO **If no, give name of country**

11. Additional explanation on ownership *(if needed, use reverse for extra space)*:

See additional Exhibit E Statement of the basis of the Applicant's Ownership included in the application.

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

EXHIBIT E - STATEMENT OF THE BASIS OF THE APPLICANT'S OWNERSHIP

Dr. Elias M. Elias, an employee of the North Dakota Agricultural Experiment Station and North Dakota State University, is a plant breeder who developed 'Maier' the durum wheat cultivar for which Plant Variety Protection is hereby sought. The employee by agreement and because of the condition of the use of facilities and funds of the North Dakota Agricultural Experiment Station and North Dakota State University has assigned all ownership rights to 'Maier' durum wheat to the North Dakota Agricultural Experiment Station and North Dakota State University.

North Dakota State University on behalf of the North Dakota Agricultural Experiment Station has assigned all ownership to the NDSU Research Foundation. The NDSU Research Foundation is a nonprofit corporation set up to own and manage the intellectual property of North Dakota State University.